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# Negligent Liability Suits and Private School Personnel: Duty, Causation, Defenses, by Sarah M. Watson

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reflections based on the source documents of the Jesuit community and a discussion of how those documents might impact the mission of the community's educational works today. The essays in this book offer the reader a guided tour of the sources, ask the reader to consider two contemporary renderings of the tradition, and then pose the all important mission question: In light of where we have been and who we are, where shall we go? This is the challenge of identity, both Catholic identity and the identity of the religious congregations that sponsor schools, as these educational institutions head into the new millennium.

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## **NEGLIGENT LIABILITY SUITS AND PRIVATE SCHOOL PERSONNEL: DUTY, CAUSATION, DEFENSES**

SARAH M. WATSON, OAKSTONE PUBLISHING, 2001.

*Reviewed by Charles J. Russo*

*Negligent Liability Suits and Private School Personnel: Duty, Causation, Defenses* by Sarah Martin Watson, appears to be a doctoral dissertation turned into a monograph on negligence. Written by "a professional educator and not a legal expert...to provide limited guidance, but not legal advice, for private school personnel" (p. 3), the five chapters offer generally accurate summaries and analyses of cases along with practical recommendations for educators. Writing in clear and nontechnical language, the author achieves limited success, most of it in her recommendations in Chapter 5, in pursuit of her modest goal of providing guidance for educators in nonpublic schools.

The first chapter provides a brief introduction to the topic of negligence, assumptions and liabilities, definitions of terms, and selected works, most of which are dated, that might be of some limited use to readers. Only 1 of the 23 entries listed in the table of references was published in the year 2000, while 13 of the remaining items are more than 10 years old. Even conceding that older legal materials may be of some value, it is essential for educators, and, of course, attorneys, to have the most up-to-date information available. Moreover, to the extent that she identified three publications from the Education Law Association (ELA), the largest nonadvocacy group in the United States devoted to the study of education law, it is inexplicable that the author overlooked what is widely considered to be the best book on legal issues affecting nonpublic schools regardless of whether they are religiously affiliated, the fourth edition of Ralph D. Mawdsley's *Legal Problems of Religious and Private Schools*, also published by ELA.



Chapter 2, titled "Review of Literature," provides a sketchy overview of the elements of negligence and selected defenses. The author adds a discussion of safety issues that arise with regard to athletics; even though these two topics are most definitely related, it would have been helpful, especially for readers lacking a legal background, to have been offered a more explicit explanation of why these subjects were linked together. In addition, while acknowledging that case law involving Catholic and other nonpublic schools is limited, a fact that the author does make clear, it would have been helpful if, in this chapter and throughout the monograph, she would have highlighted litigation arising in nonpublic schools as these are the ones that are most likely to be useful to the target audience.

The third chapter consists of generally accurate summaries and discussions of negligence cases between 1970 and 2000. Unfortunately, the author explains neither how nor why she selected cases for inclusion nor how the litigation fits into patterns that can be useful to readers. Other than adding the heading "Recent Developments" at the end of the section on negligence, indicating a shift to review litigation relating to sexual harassment, the author failed to provide additional headings or breakdowns. Further, the material on sexual harassment would have been more useful to readers had the author explained how or why Title IX, the touchstone for liability for sexual harassment, applies to nonpublic schools. Similarly, Chapter 4 discusses negligence liability and sports-related injuries. Insofar as negligence cases fall under a wide variety of headings such as accidents to and from schools, injuries to visitors at school events, injuries to student athletes, and defenses, employing subdivisions would have greatly enhanced both of these chapters, not only because they would have made them easier to follow but also because they would have facilitated the ability of readers to locate specific topics.

Chapter 5, which includes the author's recommendations, is the most useful part of the monograph. Accurate, practical, and to the point, these sound recommendations should be useful to educators and risk managers of athletic programs in nonpublic schools who seek to avoid or limit liability stemming from negligence incidents in educational settings.

In sum, *Negligent Liability Suits and Private School Personnel* may be of some limited interest for educators in nonpublic schools, especially those who are novices in the study of the law, who are looking for a brief overview of the law of negligence. However, readers with a working knowledge of the law of negligence who are seeking a more detailed presentation of the topic will not find much in this monograph to satisfy their needs.

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